## For the Northern District of California

IN THE UNITED STATES DISTRICT COURT	
FOR THE NORTHERN DISTRICT OF CALIFORNL	Α

JOSEPH ROBERT TEITGEN, Petitioner,	) No. C 08-04833 JW (PR) ) ORDER OF TRANSFER
VS.	
BRIAN HAWS, Warden,	
Respondent.	}

Petitioner, a California prisoner incarcerated at the California State Prison in Lancaster, filed a <u>pro se</u> petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his state conviction for murder of a police officer, among other crimes, which resulted in a sentence of life without the possibility of parole.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of 1

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justice. See id. The petition indicates that petitioner was convicted in Solano
County, which lies within the venue of the Eastern District of California, and that he
is confined in Lancaster (Los Angeles County), which lies within the venue of the
Western Division of the Central District of California. See 28 U.S.C. 84(b) and (c).

Since the petition is directed to the manner in which a sentence is being executed, the district of confinement is the preferable forum. See Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) ("The proper forum to challenge the execution of a sentence is the district where the prisoner is confined."); see also Habeas L.R. 2254-3(b) (providing for transfer of venue to district of confinement "if the petition is challenging the manner in which the sentence is being executed"). Because petitioner is confined in the Central District, the petition will be transferred to that district.

Accordingly, the above-titled action is hereby TRANSFERRED to the United States District Court for the Western Division of the Central District of California. See 28 U.S.C. §§ 1404(a), 2241(d); Habeas L.R. 2254-3. In light of this transfer, the Court will defer to the Central District with respect to petitioner's pending motions. (Docket Nos. 2, 3 and 5.)

The clerk shall transfer this matter and terminate any pending motions.

January 26, 2009 DATED:

d States District Judge

## UNITED STATES DISTRICT COURT FOR THE

## NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ROBERT TEITGEN,	Case Number: CV08-04833 JW
Petitioner,	CERTIFICATE OF SERVICE
v.	
BRIAN HAWS, Warden,	
Respondent.	
I, the undersigned, hereby certify that I am an Court, Northern District of California.	n employee in the Office of the Clerk, U.S. District
That on 2/12/2009, I S attached, by placing said copy(ies) in a postaghereinafter listed, by depositing said envelope an inter-office delivery receptacle located in the same of the same	e in the U.S. Mail, or by placing said copy(ies) into
Joseph Robert Teitgen V-34664 California State Prison - County (LAC) 44750 60th Street West Lancaster, Ca 93536-7620	
Dated:	Richard W. Wieking, Clerk
	Ry: Elizabeth Garcia Deputy Clerk